

**STARK & STARK**

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

MICROBILT CORPORATION,

Plaintiff,

v.

BAIL INTEGRITY SOLUTIONS, INC. and  
THOMAS BRIAN SHIRAH in his individual  
capacity; ABC COMPANIES (1-10), JOHN  
and JANE DOES (1-10),

Defendants.

CIVIL ACTION NO.  
3:19-CV-00637 (MAS)(LHG)

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**DEFENDANTS' STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT  
OF DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

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Defendants submit the following Statement of Undisputed Material Facts in support of their motion for partial summary judgment:

1. Plaintiff, Microbilt Corporation ("Microbilt"), is a "consumer reporting agency" and "reseller" of consumer credit information. *See* Complaint, para. 5.

2. In 2018, Microbilt began offering a new service to its business customers known as the "Mobile Device Verification Service", or MDVS. *See* Complaint, para. 9.

3. The MDVS permitted approved business customers of Microbilt to “geolocate” a person’s cell phone, with the person’s consent. *See* Complaint, paras. 11-12.

4. This “geolocate” feature of the MDVS product could be used for purposes approved by Microbilt, such as ID verification on an application for credit or other services offered by Microbilt’s customers. *See* Complaint, para. 13.

5. In or around the Summer of 2018, a Microbilt sales representative, Matthew Roesly, approached defendant, Bail Integrity Solutions, Inc. (“Bail Integrity”), a potential customer of the MDVS product. *See* Declaration of Craig S. Hilliard (“Hilliard Dec.”), Exhibit E, at 28-29, 41-44.

6. During this sales effort in the Summer of 2018, Roesly interacted primarily with three people at Bail Integrity: a) the company’s CEO, defendant Brian Shirah; b) the company’s Operations Director, Michael Woody; and c) the company’s Human Resources Director, Joshua Norvell. Hilliard Dec. Exhibit E, at 41-44; Exhibit F, at 14; Exhibit G, at 11-13.

7. Bail Integrity is in the business of delivering registered bail bonding services. *See* Complaint, para. 14.

8. In July 2018, Bail Integrity executed three documents which Microbilt alleges forms the “contract” at issue in this lawsuit: a) a “Letter of Intent”; b) an “Application for Access”; and c) a “User Agreement”. *See* Complaint, paras. 15-21; Hilliard Dec. Exhibit H, I, J.

9. After these documents were executed, Bail Integrity began using the MDVS product.

10. Several months later, in January 2019, an article published in “Vice/Motherboard” magazine alerted Microbilt to a possible misuse of its MDVS product. *See* Complaint, paras. 22-25. The misuse was an alleged sale of a single “ping” for \$300 by a “bounty hunter” to a reporter which was used to geolocate a cell phone. *Id.*

11. The Motherboard article itself did not mention “Bail Integrity” or that the “bounty hunter” was affiliated with Bail Integrity.

12. Nevertheless, other information in Microbilt’s possession caused it to conduct an investigation of Bail Integrity’s use of the MDVS product.

13. Microbilt’s investigation discovered that on or about December 13-14, 2018, someone gained access to the MDVS product through Bail Integrity’s account. *See* Hilliard Dec. Exhibit D, at 87-93; Exhibit K.

14. This user was identified by the logon IDs [nckid87@gmail.com](mailto:nckid87@gmail.com) and [nckid99@gmail.com](mailto:nckid99@gmail.com). *See* Hilliard Dec. Exhibit K.

15. No evidence exists in the record as to the identity of the person who owns either of these email addresses.

16. No evidence exists in the record of the identity of the “bounty hunter” listed in the Motherboard article. *See also* Hilliard Dec. Exhibit D, at 28-30.

17. No evidence exists in the record that Shirah was involved in any way in the unauthorized single sale of a “ping” in December 2018. *See also* Hilliard Dec. Exhibit D, at 16-20, 23-26; Exhibit E, at 58-60, 91-97; Exhibit F, at 99-105; Exhibit G, at 50-51, 99-100.

18. No evidence exists in the record that Bail Integrity or Shirah intended to use the MDVS product for any unauthorized purposes when the contract documents were signed in July 2018. *See also* Hilliard Dec. Exhibit D, at 16-20.